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503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

PARTITION / CLASS 2 ADJUSTMENT / CLASS 1 ADJUSTMENT: PAR-ADJ20-05

APPLICATION NO.: 20-101450-LD / 20-105160-ZO / 20-105161-ZO

NOTICE OF DECISION DATE: APRIL 28, 2020

SUMMARY: A proposed partition to divide property located at 1340 to 1380 Church Street NE into three parcels so that the three existing buildings on the property will each be located on a separate lot. Included with the application are two adjustment requests to allow two of the proposed parcels to exceed maximum lot depth and to reduce the minimum required driveway width for the existing driveway serving the existing home on proposed Parcel 2.

REQUEST: A consolidated application for a tentative plan partition plan to divide a property into three parcels, ranging in size from approximately 5,445 square feet to approximately 6132 square feet; together with a:

- 1) Class 1 Adjustment to allow the lot depth of proposed Parcels 1 and 3 to exceed maximum lot depth (SRC 511.010(a)); and
- 2) Class 2 Adjustment to reduce the minimum required driveway width for the existing driveway serving the existing home on proposed Parcel 2 from 10 feet to approximately 7 feet 5 inches (SRC 806.030(b)).

The subject property is zoned RS (Single Family Residential), approximately 0.4 acres in size, and located at 1340 to 1380 Church Street NE (Marion County Assessor's Map and Tax Lot Number: 073W23BB05600).

APPLICANT: Gretchen Stone, CBTwo Architects, on behalf of Salem Alliance Church

LOCATION: 1340-1380 Church St NE

CRITERIA: Salem Revised Code (SRC) Chapters 205.005(d) – Partition; 250.005(d)(2) – Class 2 Adjustment; 250.005(d)(1) – Class 1 Adjustment

FINDINGS: The findings are in the attached Decision dated April 28, 2020.

DECISION: The **Planning Administrator APPROVED** Partition / Class 2 Adjustment / Class 1 Adjustment Case No. PAR-ADJ20-05 subject to the following conditions of approval:

Condition 1: Prior to final plat approval, obtain a demolition permit and remove the existing detached garage serving the home at 1360 Church Street NE.

Condition 2: Prior to final plat approval, a minimum of two off-street parking spaces shall be provided for the existing single-family dwelling on Parcel 2 in conformance with the requirements of SRC 806.025.

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



Condition 3: Replace nonconforming portions of existing sidewalk along the frontage of Church Street NE pursuant to Public Works Design Standards (PWDS).

The rights granted by the attached decision must be exercised, or an extension granted, by May 14, 2022 or this approval shall be null and void.

Application Deemed Complete:	<u>March 10, 2020</u>
Notice of Decision Mailing Date:	<u>April 28, 2020</u>
Decision Effective Date:	<u>May 14, 2020</u>
State Mandate Date:	<u>July 8, 2020</u>

Case Manager: Bryce Bishop, bbishop@cityofsalem.net, 503-540-2399

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division by 5:00 p.m., Wednesday, May 13, 2020. **PLEASE NOTE: Due to the COVID-19 pandemic, City of Salem Offices are closed to the public until further notice.** The notice of appeal can be submitted electronically at planning@cityofsalem.net or mailed to City of Salem Planning, Room 320, 555 Liberty Street SE, Salem OR 97301. The appeal must be received by the above date and time. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 205 and 250. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 320, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>

**BEFORE THE PLANNING ADMINISTRATOR
OF THE CITY OF SALEM
(PARTITION PLAT NO. 20-05)**

Si necesita ayuda para comprender esta información, por favor llame 503-588-6173

<http://www.cityofsalem.net/planning>

IN THE MATTER OF THE)	FINDINGS AND ORDER
TENTATIVE APPROVAL OF PARTITION)	
PLAT & CLASS 1 & 2 ADJUSTMENT NO.)	
PAR-ADJ20-05; 1340-1380 CHURCH)	
STREET NE)	APRIL 28, 2020

REQUEST

A tentative partition plan to divide a property into three parcels, ranging in size from approximately 5,445 square feet to approximately 6132 square feet; together with a:

- 1) Class 1 Adjustment to allow the lot depth of proposed Parcels 1 and 3 to exceed maximum lot depth (SRC 511.010(a)); and
- 2) Class 2 Adjustment to reduce the minimum required driveway width for the existing driveway serving the existing home on proposed Parcel 2 from 10 feet to approximately 7 feet 5 inches (SRC 806.030(b)).

The subject property is zoned RS (Single Family Residential), approximately 0.4 acres in size, and located at 1340 to 1380 Church Street NE (Marion County Assessor's Map and Tax Lot Number: 073W23BB05600).

DECISION

The Tentative Partition Plan and Class 1 and Class 2 Adjustment are **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions prior to final plat approval, unless otherwise indicated:

- Condition 1:** Prior to final plat approval, obtain a demolition permit and remove the existing detached garage serving the home at 1360 Church Street NE.
- Condition 2:** Prior to final plat approval, a minimum of two off-street parking spaces shall be provided for the existing single-family dwelling on Parcel 2 in conformance with the requirements of SRC 806.025.
- Condition 3:** Replace nonconforming portions of existing sidewalk along the frontage of Church Street NE pursuant to Public Works Design Standards (PWDS).

PROCEDURAL FINDINGS

1. On January 6, 2020, an application for tentative partition plan was filed by CB Two Architects on behalf of the applicant and property owner, Salem Alliance Church,

proposing to divide property located 1340 to 1380 Church Street NE (**Attachment A**) into 3 parcels.

2. During completeness review of the application, the need for a Class 1 Adjustment to allow proposed Parcels 1 and 3 to exceed maximum lot depth and a Class 2 Adjustment to reduce the minimum required driveway width for the existing driveway serving the existing home on proposed Parcel 2 (*1360 Church Street NE*) were identified. In response, the applicant subsequently revised their application and included the identified required Class 1 and Class 2 Adjustment requests.
3. On March 10, 2020, the application was deemed complete for processing and notice to surrounding property owners and tenants was mailed, pursuant to Salem Revised Code (SRC) requirements. The state-mandated local decision deadline for the application is July 8, 2020.

SUBSTANTIVE FINDINGS

1. Proposal

The proposal submitted by the applicant requests tentative partition plan approval to divide property located at 1340 to 1380 Church Street NE (Marion County Assessor's Map and Tax Lot Number: 073W23BB05600) into three parcels so that each of the three existing single-family dwellings on the property will be located on their own separate lot. In addition to the partition request to divide the property, the application also includes a Class 1 Adjustment to allow the depths of proposed Parcels 1 and 3 to exceed the allowed maximum and a Class 2 Adjustment to reduce the minimum required driveway width for the existing driveway serving the existing home on proposed Parcel 2.

The tentative partition plan submitted by the applicant showing the configuration of the proposed parcels is included as **Attachment B**. The applicant's written statement addressing the standards and approval criteria applicable to the proposal is included as **Attachment C**.

Parcel Configuration

As illustrated on the tentative plan, the size and dimensions of the proposed parcels are as follows:

Proposed Parcel Size & Dimensions			
Parcel No.	Area	Dimensions	
		Width	Depth
Parcel 1	6,000 ft. ²	42.46 ft.	129.61 ft.
Parcel 2	6,132 ft. ²	51.14 ft.	129.61 ft.
Parcel 3	5,445 ft. ²	42.01 ft.	129.61 ft.

Access & Circulation

The subject property has frontage on Church Street NE, which is designated as a local street under the Salem Transportation System Plan (TSP). There is also an alley located along the east side of the subject property, behind the proposed parcels.

The existing homes at 1340 and 1376 Church Street NE currently take vehicular access from the existing alley and will continue to take access from the alley under the proposed partition. The existing home at 1360 Church Street NE currently takes its vehicular access from Church Street NE and will continue to take access from Church Street via the existing driveway under the proposed partition.

2. Existing Conditions

Site and Vicinity

The property subject to the proposed partition request is a square-shaped lot that is approximately 0.4 acres in size. The property is currently developed with three separate single-family dwellings. The single-family dwelling at 1376 Church Street NE also includes a small attached office building (*1380 Church Street NE*) that is separate from the single-family dwelling. The office building is located at the front of the lot adjacent to Church Street. Because Office use is not allowed within the RS zone, and because the portion of the existing building the office use occupies does not meet the setback requirements of the RS zone, the use and that portion of the building are considered non-conforming and are subject to the requirements of SRC Chapter 270 (Nonconforming Situations).

The development pattern in the immediate vicinity of the subject is generally characterized by a mixture of residential and non-residential development. To the south and east of the subject property there are primarily single-family dwellings, but also some other residential use types. Grant Community School and Grant School Park are located a short distance to the east of the subject property. To the west of the subject property there are more non-residential uses, including Salem Alliance Church, across Church Street, and commercial uses along Broadway Street NE. Immediately to the north of the subject property is Marion Post 661 of the Veterans of Foreign Wars (VFW).

Salem Area Comprehensive Plan (SACP)

Urban Growth Policies: The subject property is located inside the Salem Urban Growth Boundary and the corporate city limits.

Comprehensive Plan Map: The subject property is designated "Single Family Residential" on the Salem Area Comprehensive Plan (SACP) Map. The comprehensive plan map designations of surrounding properties are as follows:

Comprehensive Plan Map Designations of Surrounding Properties	
North	Single Family Residential
	Across Hood Street NE, Commercial
South	Single Family Residential
East	Across alley, Single Family Residential
West	Across Church Street NE, Commercial

Zoning

The subject property is zoned RM-II (Multiple Family Residential). The zoning of surrounding properties is as follows:

Zoning of Surrounding Properties	
North	RS (Single Family Residential)
	Across Hood Street NE, RS (Single Family Residential)
South	RS (Single Family Residential)
East	Across alley, RS (Single Family Residential)
West	Across Church Street NE, CO (Commercial Office) within the Broadway/High Street Transition Overlay Zone

Relationship to Urban Service Area

The subject property is located inside the City's Urban Service Area. Pursuant to the Urban Growth Management requirements contained under SRC Chapter 200, an application for an Urban Growth Preliminary Declaration is not required when property is located inside the boundaries of the Urban Service Area.

Infrastructure

As identified in the comments provided from the Public Works Department (**Attachment D**), the subject property is currently served by the following existing City infrastructure:

- Water:* The subject property is located within the G-0 water service level. A 4-inch water public water line is located in Church Street NE
- Sewer:* An 8-inch sewer line is located in the alley abutting the subject property.
- Storm Drainage:* A 10-inch storm main is located in Church Street NE.
- Streets:* Church Street NE abuts the western boundary of the subject property. Church Street is designated as a Local street in the City's Salem Transportation System Plan (TSP).

- Standard: The standard for a Local street is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- Existing Conditions: The portion of Church Street NE abutting the subject property currently has an approximate 30-foot-wide improvement within a 66-foot right-of-way.

An *alley* abuts the eastern boundary of the subject property.

- Standard: The standard for an alley is improvements meeting the Public Works Design Standards (*as detailed in Public Works Standard Plan Nos. 304 & 305*) within a 10-foot-wide to 20-foot-wide right-of-way.
- Existing Conditions: The existing alley is currently improved to a width of approximately 15 feet within a 16-foot-wide right-of-way.

3. Public and Private Agency Review

- A. The Building and Safety Division reviewed the proposal and indicated that no common sewers or other utilities are allowed to serve the proposed parcels and that utility lines are not allowed to cross property lines without easements.

Staff Response: Because the subject property was developed with three single family dwellings on one lot, there was a common sewer line on the subject property. The applicant, however, applied for plumbing and sewer permits (*Permit Nos. 19-125705-P & 19-125702-SS*) to cap the existing shared sewer line and establish separate sewer services for the parcels. The work associated with these permits has been completed and each parcel is now served by separate sewer services.

- B. The Fire Department reviewed the proposal and indicated no objections to it. They indicate that Fire Department access and water supply are existing and that any future remodels or building additions will be evaluated for compliance with the Oregon Fire Code at that time.
- C. The Public Works Department reviewed the proposal and provided comments pertaining to required City infrastructure needed to serve the proposed development. Comments from the Public Works Department are included as **Attachment D**.
- D. Cherriots reviewed the proposal and indicated that they have no comments.

4. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the Grant Neighborhood Association. Notice of the application was provided to the neighborhood association pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-

recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.

Comments received from the neighborhood association indicate that the proposal had been mentioned by the applicant at the Grant Neighborhood Association and the board expressed no concerns with the partition.

In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. Two comments were received prior to the comment deadline. Of the two comments received, one indicated they had reviewed the proposal and have no objections to it.

The other comment received indicated no objections, per-se, to the proposed partitioning of the lots, but did express concern about the potential impacts that continued work on the site might have on their property. They explain, in summary, that during the initial phase of the project to establish separate sewer services for the homes the alley was blocked for nearly two weeks without notice being given to residents who use the alley for access; the sewer cap repair in the alley left a sink hole where the alley was excavated; the grassy area on their side of the fence was ripped up by equipment and not repaired; and workers removed a fence gate from its posts without permission.

Staff Response: The sewer line work conducted on the property and within the alley under permit Nos. 19-125705-P & 19-125702-SS was approved separately from the proposed partition application but was necessary in order to allow for the creation of separate lots for the existing single-family homes.

Upon receiving the above comments, they were forwarded to the Public Works Department as well as the applicant. The Public Works Department indicated that in response to the closure of the alley, contractors are expected to notify any impacted parties of a closure, but that did not appear to happen in this case. In regard to the depression left in the alley following the sewer cap repair, the Public Work Department conducted a subsequent inspection of the alley and determined that further repair was needed and contacted the contractor to make the needed repair.

In response to the identified concerns, the applicant also reached out to the neighboring property owner to address their concerns and make themselves available for any other issues or concerns they may have.

5. TENTATIVE PARTITION PLAN APPROVAL CRITERIA

SRC Chapter 205.005(d) sets forth the following criteria that must be met before approval can be granted to a tentative partition plan. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact evaluating the proposal for conformance with the criteria. Lack of compliance with the following approval criteria is grounds for denial of the tentative plan or for the issuance of conditions of approval to more fully satisfy the criteria.

SRC 205.005(d)(1): The tentative partition plan complies with the standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to the following:

- (A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines.***
- (B) City infrastructure standards; and***
- (C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.***

Finding: The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subject property is zoned RS (Single Family Residential). The proposed tentative partition plan, as conditioned, complies with the applicable standards of the RS zone and all other applicable provisions of the UDC, as required by this approval criterion, as follows:

SRC Chapter 511 (RS Single Family Residential Zone)

Allowed Uses (SRC 511.005): Uses allowed within the RS zone are established under SRC 511.005, Table 511-1. The subject property is currently developed with three single-family dwellings located on one lot. The single-family dwelling on the north end of the property located at 1376 Church Street NE currently has a separate office building attached to it addressed at 1380 Church Street NE. The purpose of the proposed partition is to divide the property into three parcels so that each of the single-family dwellings may be located on their own separate lot.

Within the RS zone, Single Family uses are permitted. Because Single Family uses are permitted, the proposal to establish separate lots for the existing single-family dwellings is allowed within the RS zone.

Because the RS zone is a residential zone, the types of non-residential uses allowed within the zone are limited. As such, the existing office building located at 1380 Church Street NE is not an allowed use within the zone and is considered non-conforming subject to the provisions of SRC Chapter 270 (Nonconforming Situations).

Lot Standards: Lot standards within the RS zone are established under SRC 511.010(a), Table 511-2. Within the RS zone the following lot standards for Single Family uses are applicable to the proposed partition.

RS Zone Lot Standards		
Lot Area	Min. 4,000 sq. ft.	
Lot Width	Min. 40 ft.	
Lot Depth	Min. 70 ft.	

RS Zone Lot Standards		
	Max. 300% of average lot width	
Street Frontage	Min. 40 ft.	

As shown on the tentative partition plan, the size and dimensions of the proposed parcels are as follows:

Proposed Parcel Size & Dimensions				
Parcel No.	Area	Dimensions		Street Frontage
		Width	Depth	
Parcel 1	6,000 ft. ²	42.46 ft.	129.61 ft.	42.46 ft.
Parcel 2	6,132 ft. ²	51.14 ft.	129.61 ft.	51.14 ft.
Parcel 3	5,445 ft. ²	42.01 ft.	129.61 ft.	42.01 ft.

As identified above, all three of the proposed parcels exceed minimum lot area, width, depth, and street frontage requirements. In regard to maximum lot depth, however, Parcel 2 conforms to maximum allowed depth, but Parcels 1 and 3 exceed it. Because proposed Parcels 1 and 3 exceed the maximum allowed lot depth within the RS zone, the applicant has requested a Class 1 Adjustment application in conjunction with the proposed partition to allow the parcels to exceed the maximum lot depth standard. Analysis of the applicant's Class 1 Adjustment request and findings demonstrating conformance with the applicable approval criteria of SRC Chapter 250 (Adjustments) are included in Section 6 of this decision.

Setbacks (SRC 511.010(b)): Minimum required setbacks for buildings and accessory structures within the RS zone are established under SRC 511.010(b), Table 511-3. The required setbacks applicable to the proposed development are as follows:

RS Zone Setbacks		
Abutting Street	Min. 12 ft.	
Interior Side	Min. 3 ft.	Applicable to existing buildings.
	Min. 5 ft.	Applicable to new buildings.
Interior Rear	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height.

Garage Setback: In addition to the setbacks identified above, SRC Chapter 806 (Off-street Parking, Loading, and Driveways) requires, pursuant to SRC 806.025(b), garages facing a street or flag lot accessway to be setback a minimum of 20 feet in order to accommodate a driveway and enough space for vehicles to park on the driveway without projecting into the street right-of-way or flag lot accessway.

As illustrated on the tentative partition plan, the existing buildings, accessory structures, and parking areas conform to applicable setback requirements with the exception of the following:

- **Existing Building & Detached Garage on Parcel 1:** The existing single-family dwelling, attached office building, and detached garage on proposed Parcel 1 do not meet the minimum required front yard setback adjacent to Church Street or the minimum required interior side yard setback adjacent to the north property line. The setbacks between these structures and the western and northern property lines are existing and not affected or changed by the proposed partition. Therefore, these setbacks are considered existing non-conforming development and are subject to the provisions of SRC Chapter 270 (Nonconforming Situations).
- **Existing Garage Serving Home on Parcel 2 (1360 Church Street NE):** As shown on the tentative partition plan, there is an existing garage (*identified to be removed*) serving the home located at 1360 Church Street NE that would be located over the new interior side property line between Parcels 1 and 2 as a result of the proposed partition. Because the garage would be located over the property line, it would not meet the required interior side yard setbacks of the RS zone or the requirements of the building code and must therefore be removed. In order to ensure that existing structures on the property will meet applicable setback and building code requirements upon recording of the final partition plat, the following condition of approval shall apply:

Condition 1: Prior to final plat approval, obtain a demolition permit and remove the existing detached garage serving the home at 1360 Church Street NE.

Lot Coverage (SRC 511.010(c)): Maximum lot coverage requirements are established within the RS zone under SRC 511.010(c), Tale 511-4. The RS zone lot coverage and height requirements applicable to the proposed development are as follows:

RS Zone Lot Coverage		
Lot Coverage	Max. 60%	Applicable to buildings and accessory structures.
Rear Yard Coverage	Max. 25%	Applicable to accessory structures.

The subject property is currently developed with three single-family dwellings that are each proposed to be located on their own lot. The proposed partition will result in the following lot coverages:

Proposed Lot Coverages			
Parcel No.	Lot Size	Total Building & Accessory Structure Footprint	Lot Coverage

Proposed Lot Coverages			
Parcel 1	6,000 ft. ²	Approx. 1,868 ft. ²	31.1%
Parcel 2	6,132 ft. ²	Approx. 1,082 ft. ²	17.6%
Parcel 3	5,445 ft. ²	Approx. 1,192 ft. ²	21.9%

As identified in the above table, the resulting lot coverages for each of the proposed parcels included in the partition fall below the maximum 60 percent requirement of the RS zone and therefore conform to lot coverage standards.

In addition to establishing a maximum allowed lot coverage applicable to the entire lot, the RS zone also establishes a maximum 25 percent rear yard coverage for lots that applies to detached accessory structures located in the rear yard. As shown on the tentative partition plan, only one of the proposed parcels (Parcel 1) includes a detached accessory structure within the rear yard that will remain. The footprint of this accessory structure is approximately 257 square feet and the rear yard area of the parcel is approximately 3,476 square feet. The resulting 7.4 percent rear yard coverage falls below the maximum allowed 25 percent and therefore conforms to rear yard coverage standards.

Height (SRC 511.010(c)): Maximum height requirements for buildings and accessory structures within the RS zone are established under SRC 511.010(c), Tale 511-4. The RS zone height requirements applicable to the proposed development are as follows:

RS Zone Height		
Height	Max. 28 ft. or existing building height, whichever is greater	Applicable to existing buildings.
	Max. 15 ft.	Applicable to accessory structures.

The subject property is currently developed with three single-family dwellings and two detached accessory structures (*one of which is proposed to be removed*). Neither the single-family dwellings, which are one-story in height, nor the detached accessory structures exceed the maximum height requirements of the RS zone.

SRC Chapter 806 (Off-Street Parking, Loading, and Driveways)

The City's off-street parking chapter (SRC 806), specifically SRC 806.015(a), requires all Single Family and Two Family dwellings located outside the Central Salem Development Program (CSDP) Area to provide a minimum of two off-street parking spaces per dwelling unit. Because the subject property is located outside the CSDP, each of the existing single-family dwellings included in the proposed partition is required to have a minimum of 2 off-street parking spaces.

As shown on the tentative partition plan (**Attachment B**), the existing homes on proposed Parcels 1 and 3 have garages, which are to remain, in their back yards

served by driveways off the alley. The existing garages for these homes, and the driveway space in the rear yards leading to them, ensure that each of the homes on these parcels includes a minimum of two off-street parking spaces as required under SRC Chapter 806.

The existing home on proposed Parcel 2 also currently has a detached garage that is served by a driveway off Church Street NE. However, due to the location of the garage over the proposed new property line between Parcel 1 and 2, the garage must be removed in order to meet setback and building code requirements. Due to the required removal of the garage, the existing single-family dwelling on proposed Parcel 2 will no longer meet its minimum off-street parking requirements and, as such, a minimum of two off-street parking spaces are required to be provided. SRC 806.025 provides that off-street parking may be located within a garage or carport, within a screened off-street parking area, or on a driveway leading to a garage, carport, or screened off-street parking area.

In order to conform to the off-street parking requirements of SRC 806.015 and SRC 806.025, the following condition of approval shall apply:

Condition 2: Prior to final plat approval, a minimum of two off-street parking spaces shall be provided for the existing single-family dwelling on Parcel 2 in conformance with the requirements of SRC 806.025.

SRC Chapter 200 (Urban Growth Management)

The City's Urban Growth Management Program under SRC Chapter 200 requires an Urban Growth Preliminary Declaration to be obtained prior to development of property located outside the Salem Urban Service Area. The subject property is located inside the Urban Service Area. Therefore, an Urban Growth Preliminary Declaration is not required in conjunction with the proposed partition and the proposal conforms to the requirements of SRC Chapter 200.

SRC Chapter 205 (Land Division and Reconfiguration)

The intent of SRC Chapter 205 is to provide for orderly development through the application of appropriate development standards and regulations. The partition process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

The applicant has met all application submittal requirements necessary for adequate review of the proposed partition. The proposed partition, as conditioned, conforms to the applicable requirements of SRC Chapter 205.

SRC Chapter 802 (Public Improvements)

The Public Works Department reviewed the proposed partition and determined that the streets, water, sewer, and storm infrastructure are all available and appear to be adequate to serve the proposed parcels. Specifications for required public improvements are summarized in the Public Works Department comments included as **Attachment D**.

SRC Chapter 601 (Floodplain Overlay)

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and determined that no floodplain or floodway areas exist on the subject property. SRC Chapter 601 is therefore not applicable to the proposed partition.

SRC Chapter 808 (Preservation of Trees and Vegetation)

The City's tree preservation ordinance (SRC Chapter 808) establishes requirements for the preservation of heritage trees, significant trees (*Oregon white oaks 24 inches or more in diameter*), trees and native vegetation within riparian corridors, and trees on lots or parcels 20,000 square feet or greater in size. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

Pursuant to SRC 808.035(a), tree conservation plans are required in conjunction with development proposals involving the creation of lots or parcels to be used for the construction of single-family or duplex dwelling units, if the development proposal will result in the removal of trees.

There are existing trees on the subject property. However, because the property is already developed and no trees are required, or proposed, to be removed in conjunction with establishing the three separate parcels for the three existing single-family dwellings on the property, a tree conservation plan is not required. The proposed partition therefore complies with the applicable provisions of SRC Chapter 808.

SRC Chapter 809 (Wetlands)

Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

The City's wetlands ordinance, SRC Chapter 809, establishes requirements for notification to the Oregon Department of State Lands when an application for development is received in an area designated as a wetland on the official wetlands map. According to the Salem-Keizer Local Wetland Inventory (LWI) there are no

mapped wetlands or waterways identified on the subject property. As proposed, the tentative partition plan conforms to all applicable requirements of SRC Chapter 809.

SRC Chapter 810 (Landslide Hazards)

The City's landslide hazard ordinance, SRC Chapter 810, establishes standards and requirements for the use of land within areas of landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, there are no areas of mapped landslide hazard susceptibility located on the subject property. Therefore, a geologic assessment or geotechnical report is not required for the proposed partition.

SRC 205.005(d)(2): The tentative partition plan does not impede the future use or development of the property or adjacent land.

Finding: The proposed partition divides the approximate 0.4-acre property into three parcels with no remainder. The proposed configuration of the parcels allows for the three existing single-family dwellings on the property to be located on their own lots with their own vehicular access to either Church Street or the alley. The proposed partition will not impede the future use or development of any portion of the property, and adjoining properties are developed and have access to public streets. This criterion is met.

SRC 205.005(d)(3): Development within the tentative partition plan can be adequately served by City infrastructure.

Finding: The subject property is located in a developed area, within the City's Urban Service Area, and the proposed parcels are fully developed and served with individual City utilities. The Public Works Department reviewed the proposal and determined that the water, sewer, and stormwater infrastructure along the perimeter of the site is adequate to serve the properties as shown on the applicant's preliminary partition plan. This approval criterion is met.

SRC 205.005(d)(4): The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.

Finding: The subject property is located within a developed area of the City and is served by an existing established street network. The property is bordered by Church Street NE on the west and an alley on the east. Church Street is designated as a local street within the TSP. As indicated in the comments from the Public Works Department (**Attachment D**), Church Street is currently improved to its required right-of-way and street improvement widths identified in the TSP and required under SRC Chapter 803 (Streets and Right-of-Way Improvements). As such, no additional right-of-way dedication or street improvement is required for the proposed partition.

Pursuant to SRC 803.035(l) and 803.040(a)(2), the proposed partition is also subject to a boundary street improvement that conforms with the Public Works Design Standards. Site evaluation of the existing sidewalks along the property's Church Street frontage has identified several panels of sidewalk that are not ADA compliant due to cracks and

uplift that need to be repaired. The extent of the required improvements is limited to replacement of nonconforming portions of existing sidewalk along the property's Church Street frontage. In order to ensure compliance with SRC 803.040(a)(2) and SRC 803.035(l), the following condition of approval shall apply:

Condition 3: Replace nonconforming portions of existing sidewalk along the frontage of Church Street NE pursuant to Public Works Design Standards (PWDS).

The partition, as conditioned, satisfies this approval criterion.

SRC 205.005(d)(5): The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

Finding: The subject property is located within a developed area of the City served by an existing and established interconnected network of streets, alleys, and sidewalks. Vehicular access to the property is provided from Church Street NE on the west side of the property and an existing alley on east side of the property. Church Street NE and the adjacent grid-network of streets with sidewalks in the surrounding area ensure the safe, orderly, and efficient circulation of both vehicles and pedestrians to and from the proposed partition and throughout the surrounding area. This approval criterion is met.

SRC 205.005(d)(6): The tentative partition plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.

Finding: The topography of the site is flat and there are no special considerations associated with the land or the existing vegetation on the site. The proposed partition has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The proposed configuration of the parcels is intended to allow the existing single-family dwellings on the property to be located on their own separate lots. Only two adjustments to development standards are necessary in connection with the proposed partition. One adjustment is for the minimum required width of the existing driveway serving the existing home at 1360 Church Street. The other adjustment is to allow the maximum depth of two of the proposed parcels (Parcels 1 and 3) to slightly exceed the maximum allowed lot depth. The two adjustments requested are the minimum necessary to accommodate the proposed development and, as discussed in Sections 6 and 7 of this decision, will not result in impacts to the surrounding residential area. This criterion is met.

SRC 205.005(d)(7): The layout, size, and dimensions of the parcels within the tentative partition plan take into account the topography and vegetation of the site, such that the least disruption of site, topography, and vegetation will occur from the reasonable development of the parcels.

Finding: The topography of the site is flat and there are no special considerations associated with the land or the existing vegetation on the site. Because the property is

already developed with three single-family dwellings and the purpose of the proposed partition is to allow the dwellings to be located on their own lots, there will be no grading or disturbance to the site other than what has already occurred on the property to establish separate sewer services for the parcels and what will be required in order to demolish the existing detached garage on the property serving the existing home at 1360 Church Street NE. This criterion is met.

SRC 200.005(d)(8): When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:

- (A) The property is zoned residential;***
- (B) The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and***
- (C) The proposed parcels are at least 5 acres in size and, except for flag lots, have no dimension that is less than 100 feet.***

Finding: As identified in the comments from the Public Works Department, City infrastructure, including water and sewer, is available to serve the property and all three proposed parcels are connected to these services. Because City water and sewer is available and the proposed parcels are connected to them, this approval criterion is not applicable to the proposed partition.

6. CLASS 1 ADJUSTMENT APPROVAL CRITERIA

Two of the tree parcels included in the proposed partition, proposed Parcels 1 and 3, exceed the maximum lot dept standard of the RS zone (SRC 511.010(a)) which limits the maximum depth of proposed lots to no more than 300 percent of their average lot width. Because these parcels exceed maximum lot depth requirements, the applicant has requested a Class 1 Adjustment to allow the parcels to exceed the maximum lot depth standard.

In the case of the proposed partition, the 129.61-foot lot depth of Parcel 1 exceeds its maximum allowed lot depth of 127.38 feet by 2.23 feet, or 1.75 percent; and the 129.61-foot lot depth of Parcel 3 exceeds its maximum lot depth of 126.03 feet by 3.58 feet, or 2.84 percent. Because the proposed depths of the parcels do not exceed the maximum lot depth standard my more than 20 percent, the requested adjustment qualifies as a Class 1 Adjustment.

Salem Revised Code (SRC) 250.005(d)(1) sets forth the following criteria that must be met before approval can be granted to an application for a Class 1 Adjustment. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 1 Adjustment application, or for the issuance of certain conditions to ensure the criteria are met.

- (A) The purpose underlying the specific development standard proposed for adjustment is:***

- (i) Clearly inapplicable to the proposed development; or**
(ii) Clearly satisfied by the proposed development.

Finding: The written statement provided by the applicant (**Attachment C**) indicates, in summary, that criterion (A)(ii) “clearly satisfied by the proposed development” applies for the proposed partition as it will divide a single fully developed tax lot measuring 132.8 feet wide by 129.61 into three lots each containing one of the existing residential structures. The applicant explains that because the existing lot is bordered by a public street on its west property line and a public alley on its east property line it is not possible to change the parcel depths.

That applicant indicates that Parcel 1 (*1380 Church Street NE*) has an average proposed width of 42.46 feet allowing a maximum depth of 127.38 feet, which is 2.23 feet less than the 129.61 feet proposed, and Parcel 3 (*1340 Church Street NE*) has a proposed width is 42.01 feet which means that the maximum lot depth would be 126.03 feet which is just 3.58 feet less than the proposed 129.61 feet. The deviation to the standard is less than 2 percent for proposed Parcel 1 and less than 3 percent for proposed Parcel 3 which is minimal. In addition, it is explained that all three of the lots will meet or exceed the minimum lot area requirements. The applicant indicates that it is not possible to reduce the lot depth as it is an existing dimension and increasing the proposed widths is impracticable as the implication will have impacts to existing site features such as residential structures, driveways, pedestrian paths and fence lines. As the property is fully developed the proposed lot lines generally follow the existing fence lines that run between the three residential structures, providing a perceived property line. It is explained that the applicant is asking to maintain the perceived lines and be allowed to exceed the maximum depth for two of the proposed lots (Parcels 1 and 3). It is indicated that there are also numerous examples within this neighborhood where similar deviations to lot depth exist. The applicant explains that the proposed lots will meet or exceed the minimum lot area requirement and will maintain the existing lot depth, which will preserve the existing block dimensions and right of way widths found in this neighborhood.

Staff concurs with the findings included within the applicant’s written statement. The purpose of the maximum lot depth standard is to establish a proportionate relationship between lot width and depth so that lots aren’t created that are so narrow and deep that they cannot be reasonably developed or further divided. Deep narrow lots can result in the unordered and inefficient use/development of land by allowing the potential for sizable amounts of underutilized land area to located in the rear of lots and thus forcing situations where further development of the underutilized land area is either not possible because it is land locked or requires the creation of lots without frontage on a street that are served by narrow flag lot accessways or driveways instead of lots with street frontage served by streets.

In the case of the proposed partition, proposed Parcels 1 and 3 exceed their maximum lot depths by a relatively small amount, no more than three feet in either case. The proposed lot configuration is necessary due to the location of the existing homes on the site, and the proposed depths of the parcels are set at 129.61 feet and cannot be changed because that is the existing depth of the

subject property. As indicated by the applicant, the parcel configuration and lot depths proposed are consistent with the configuration and depths of other lots in the same block and within the surrounding area. The proposed small increase to the maximum allowed lot depth for the parcels does not result in large and inaccessible areas of underutilized land area in the rear of the parcels. The proposed parcels therefore satisfy the underlying purpose of the maximum lot depth standard. This approval criterion is met.

(B) *The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.*

Finding: The written statement provided by the applicant (**Attachment C**) indicates that the proposed adjustment will have no impact on surrounding existing or potential uses or development, as the applicant's property is fully developed and occupied and the neighboring properties are fully developed and occupied. The existing uses are consistent with the surrounding area.

Staff concurs with the findings included in the applicant's written statement. The requested adjustment allows the maximum lot depths of proposed Parcels 1 and 3 to exceed maximum lot depth standards by no more than three feet in either case. This minimal deviation from maximum lot depth requirements does not change the use of the site or result in a development pattern that is inconsistent from that of the surrounding area. The requested adjustment will therefore not result in unreasonable impacts on surrounding existing or potential uses. This approval criterion is met.

7. CLASS 2 ADJUSTMENT APPROVAL CRITERIA

The existing home on the subject property located at 1360 Church Street NE (*proposed Parcel 2*) is currently served by a single-car-width driveway off Church Street. The width of the driveway is approximately 7 feet 5 inches and it leads to an existing garage behind the house that will be required to be removed because of its location over the new property line proposed between Parcels 1 and 2 of the tentative partition plan.

SRC 806.030(b) requires driveways serving tandem parking spaces to have a minimum width of 10 feet. Because the width of the existing driveway does not meet the minimum required 10-foot width, the applicant has requested an adjustment to decrease the minimum required width in order to allow the existing driveway to continue to serve the existing home on proposed Parcel 2. Because the proposed reduction to the minimum required driveway width exceeds 20 percent, it qualifies as a Class 2 Adjustment.

Salem Revised Code (SRC) 250.005(d)(2) sets forth the following criteria that must be met before approval can be granted to an application for a Class 2 Adjustment. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 2 Adjustment application, or for the issuance of certain conditions to ensure the criteria are met.

(A) *The purpose underlying the specific development standard proposed for adjustment is:*

- (i) Clearly inapplicable to the proposed development; or***
- (ii) Equally or better met by the proposed development.***

Finding: The written statement provided by the applicant (**Attachment C**) indicates, in summary, that criterion 250.005(d)(2)(A)(i) applies in this case as it is clearly inapplicable to the Salem's Revised Code addressing off-street parking standards which includes those that apply to driveways which serve off-street parking areas in Chapter 806, the applicability of the requirements for off-street parking applies to: new uses or activities; any change of use or activity; or any intensification, expansion, or enlargement of a use or activity. As a result, it is our belief that the dimensional requirements for driveways which are found in this chapter would not be applicable to the existing driveway that accesses the off-street parking area for Proposed Parcel 2 (*1360 Church Street NE*) because it has served the homes existing off-street parking area for decades and there are no changes of use or intensification or increases of the existing uses with the proposed partition. In addition the location of the house, existing fence and the proposed property line do not practically allow increases to its width. Removing it would inhibit the property owner and their tenants from having access to the existing off-street parking area which defeats the purpose of the standard altogether. The width of the driveway varies as well, it is 7 and a half feet for the first 20 feet (measured from the back of sidewalk which is the property line) then begins to widen where the existing screened parking area is located. The screened parking area is more than 60 feet deep with an average width of 11 feet.

As noted, the reduced width is minimal and is adequate to continue to allow safe travel for standard passenger vehicles and full-size pickup trucks within the paved surface area as these vehicles range in width from 6 to 6.5 feet which is still less than the 7.5-foot width of the existing driveway at its narrowest point.

Staff does not concur with the findings included in the applicant's written statement that the minimum driveway width standard of SRC Chapter 806 does not apply to the proposed development and therefore the proposal meets the approval criterion under SRC 250.005(d)(2)(A)(i). This is because SRC 806.005(a) and SRC 806.025 require off-street parking to be provided and maintained in conformance with the provisions of the off-street parking chapter. In this case, the new proposed property line between Parcel 1 and 2 necessitates removal of the existing garage serving the home on Parcel 2 because the garage would be located over the property line and no longer meet required setbacks. Due to the required removal of the garage, the existing single-family dwelling on proposed Parcel 2 will no longer meet its minimum off-street parking requirements and, as such, a minimum of two off-street parking spaces are required to be provided to replace the ones that will be lost. These new spaces must be provided consistent with the requirements of SRC Chapter 806. SRC 806.025 provides that off-street parking may be located within a garage or carport, within a screened off-street parking area, or on a driveway leading to a garage, carport, or screened off-street parking area. Without the requested adjustment to the minimum required driveway width, the new required off-street parking area for Parcel 2 would not be able to be approved because it would not be served by a driveway with a sufficient minimum width to meet the requirements of SRC

Chapter 806. The requested adjustment allows the narrower existing driveway to serve the new required off-street parking spaces.

Because the minimum 10-foot driveway width standard is applicable to proposed development, the requested adjustment does not meet approval criterion SRC 250.005(d)(2)(A)(i). It does, however, satisfy approval criterion SRC 250.005(d)(2)(A)(ii) which requires demonstration that the proposed adjustment equally or better meets the underlying purpose of the development standard proposed to be adjusted. The proposed reduced driveway width meets this criterion because the underlying purpose of the minimum driveway width standard is to ensure that driveways are of a sufficient width to accommodate the width of a vehicle.

As indicated by the applicant, the narrowest section of the existing driveway is the first 20 feet; it then widens after that. As the applicant explains, the 7-foot 5-inch width of the narrowest section of the driveway is sufficient to accommodate standard passenger vehicles and full-size pickup trucks that range in width from 6 feet to 6.5 feet. Because the width of the existing driveway is sufficient to accommodate the width of standard sized vehicles, the underlying purpose of the driveway width standard is met and the proposed adjustment satisfies this approval criterion

(B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

Finding: The written statement provided by the applicant (**Attachment C**) indicates that the subject property is fully developed with three residential structures and a detached single car garage and is surrounded by fully developed properties. The applicant explains that the proposed partition and requested adjustment does not affect any change to the area therefore will not detract from the livability or appearance of the residential area.

Staff concurs with the findings included in the applicant's written statement. The requested adjustment to reduce the minimum required driveway width from 10 feet to 7 feet 5 inches in order to allow the existing driveway to serve the new required off-street parking area on Parcel 2 will not detract from the livability or appearance of the residential area. The existing driveway has served the existing home at 1360 Church Street from some time and has not resulted in any identified impacts. Under the proposed new partition the driveway will continue to serve the same home and the same minimum number of required off-street parking spaces. The proposed adjustment satisfies this approval criterion.

(C) If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

Finding: The written statement provided by the applicant (**Attachment C**) that there are two adjustments being requested and that both the requests are minimal and will have no negative impacts. The applicant explains that the property and the surrounding properties are already developed the requested partition and

adjustments will still provide developed properties that are consistent with the overall purpose of the zone.

Staff concurs with the findings included in the applicant's written statement. The proposed adjustment to the maximum lot depth of Parcels 1 and 3 and the minimum required driveway width for the driveway on Parcel 2 will not result in development is inconsistent with the purpose of the RS (Single Family Residential) zone. The adjustments allow for the three existing single-family dwellings on the property to be located on their own lots consistent with the purpose of the RS zone and the development pattern of single-family dwellings in the surround area. This approval criterion is met.

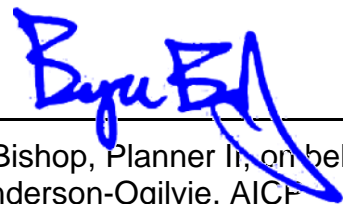
8. Conclusion

Based upon review of SRC 205.005 & SRC 250.005, the findings contained under Sections 5, 6, & 7 above, and the comments described, the Tentative Partition Plan and Class 1 and Class 2 Adjustments comply with the requirements for an affirmative decision. Approval will not adversely affect the safe and healthful development and access to any adjoining lands.

IT IS HEREBY ORDERED

That Tentative Partition Plan, Class 1 Adjustment, and Class 2 Adjustment Case No. PAR-ADJ20-05, for property located at 1340 to 1380 Church Street NE, is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1:** Prior to final plat approval, obtain a demolition permit and remove the existing detached garage serving the home at 1360 Church Street NE.
- Condition 2:** Prior to final plat approval, a minimum of two off-street parking spaces shall be provided for the existing single-family dwelling on Parcel 2 in conformance with the requirements of SRC 806.025.
- Condition 3:** Replace nonconforming portions of existing sidewalk along the frontage of Church Street NE pursuant to Public Works Design Standards (PWDS).

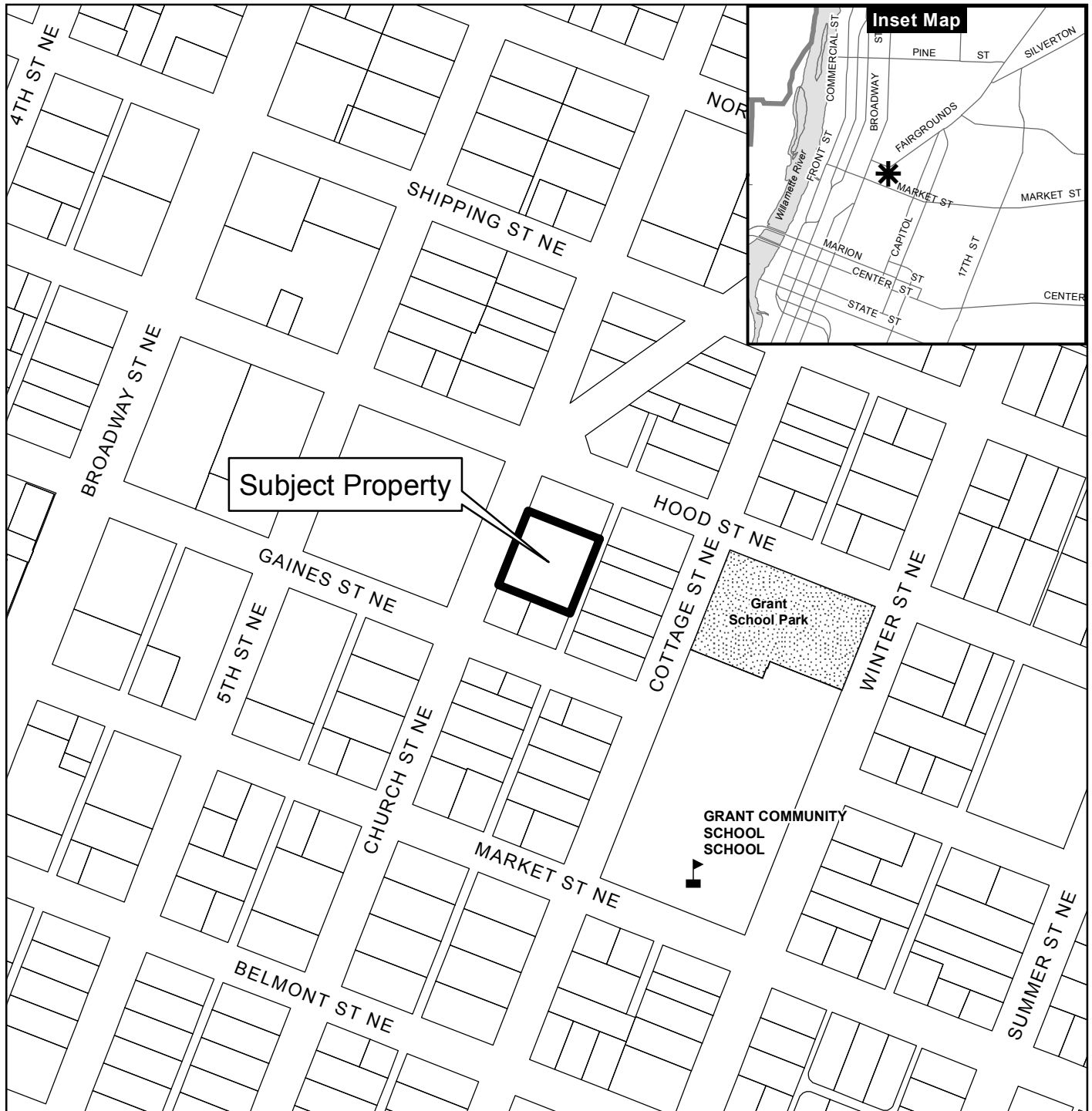


Bryce Bishop, Planner II, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

- Attachments:
- A. Vicinity Map
 - B. Applicant's Tentative Partition Plan
 - C. Applicant's Written Statement
 - D. City of Salem Public Works Department Comments

Vicinity Map

1340 to 1380 Church Street NE



Legend

- Taxlots
- Urban Growth Boundary
- City Limits
- Outside Salem City Limits
- Historic District
- Schools
- Parks

0 100 200 400 Feet



CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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Attachment B



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February 27, 2020

Planning Administrator
City of Salem
Community Development Department – Planning Division
555 Liberty Street SE, Room 305
Salem, OR 97301

Re: Request for a Partition
1340-1380 Church Street NE

SECTION 1 – REQUESTS AND PROPERTY DESCRIPTION

Salem Alliance Church with assistance from their consultants CB Two Architects and Barker Surveying respectfully request approval of a tentative partition plan for property addressed as 1340-1380 Church Street NE which is zoned RS (Single Family Residential) and is fully developed with two single family homes and a mixed use duplex that includes a residential unit and a commercial office for a local non-profit. The single family homes and residential unit are allowed uses and the office in the mixed use duplex is considered a non-conforming use. Since no additional development, redevelopment or change of use is planned as part of the partition the non-conforming use will not impact this request. The proposal seeks to divide the single lot which is 0.41 acres or 17,680 square feet into three lots: Parcel 1 will have a lot size of 6,000 square feet and include the mixed use duplex and a detached garage (address is 1380 Church Street NE); Parcel 2 will have a lot size of 6,132 square feet and include a single family structure (address is 1360 Church Street NE); and Parcel 3 will have a lot size of 5,445 square feet and include a single family structure (address is 1340 Church Street NE). The proposed lots meet or exceed minimum lot area requirements, minimum lot dimensions and are fully served by public and private infrastructure, two of the proposed lots (1340 and 1380 Church Street) exceed the maximum depth minimally and therefore require a Type 1 adjustment and the existing driveway providing access to off-street parking for 1360 Church does not meet the minimum width standards for a driveway and will also require an adjustment. The proposed tentative partition, which is processed as a Type II procedure, meets the criteria found in SRC 205.005(d) which is processed as a Type II procedure with the exception of the standards for maximum lot depth and driveway width which will require approval of the requested adjustments also included in this consolidated application. The approval criteria found in SRC 205.055(d) is noted below in Section II where each criterion is addressed in **BOLD** response providing specific information of the proposal for confirmation of compliance. The two standards being adjusted will meet the requirements for adjustments found in SRC 250.005(d); the applicable criteria and responses illustrating compliance (also noted in **BOLD** text) are found in Section III of this narrative.

SECTION II – PARTITION TENTATIVE PLAN

A tentative partition plan is processed as a Type II procedure, applicable criteria and standards are:

(d) *Criteria.* A tentative partition plan shall be approved if all of the following criteria are met:

(1) The tentative partition plan complies with the standards of this chapter and with all applicable provisions of the UDC, including, but not limited to the following:

(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;

RESPONSE: The subject property is located within the RS Zone which requires the proposed lots meet development standards found in SRC 511 for lot area, lot width and depth, lot frontage, and designation on front and rear lot lines. Parking requirements for the residential uses, found in SRC 806 also apply. Other chapters which have development standards that might apply including: SRC 800, SRC 807, SRC802, SRC 803, SRC 804, SRC 805 and SRC 808 do not contain standards that are applicable in this particular case because the subject property is fully developed an no additional development, redevelopment or change of use is proposed.

Lot Standards:

Requirement	Standard	Limitations & Qualifications	Project Information
Lot Area			
Single family	4,000 SF		Single family lots are Parcel 2 with 6,132 SF and Parcel 3 with 5,445 SF.
Uses other than single family, two family and non-profit shelters	6,000 SF		Parcel 1 includes a mixed use duplex that has a 715 SF office (used by a local nonprofit) and a residential unit. This lot is proposed to be 6,000 SF.
Lot Width			
All Uses	Min. 40 ft.		All of the proposed lots exceed the 40 foot minimum. Parcel 1 has a proposed "average" width of 42.46 ft. Parcel 2 has a proposed "average" width of 51.14 ft. Parcel 3 has a proposed width of 42.01 ft.
Lot Depth			
Single family and two family	Min. 70 ft.		All three parcels have a depth of 129.61 feet exceeding the 70 foot minimum.
All other uses	Min. 80 ft.		
	Max. 300% of average lot width		Parcel 2 has an "average" width of 51.14 which allows a maximum depth of 153.42 feet. Parcel 1 has

			an "average" width of 42.46 feet allowing a maximum depth of 127.38 triggering the need for a Type 1 adjustment. Parcel 3 has a width of 42.01 feet allowing a maximum depth of 126.03 triggering the need for a Type 1 adjustment. Please see Section III Adjustments for details related to the requested adjustments.
Street Frontage			
Single family	Min. 40 ft.		Parcel 2 has 51.14 feet of street frontage. Parcel 3 has 42.01 feet of street frontage.
All other uses	Min. 40 ft.		Parcel 1 has 42.46 ft. of street frontage.

Parking SRC 806

Off-street parking is required for the residential uses at a 2 to 1 ratio. Parcels 1 and 3 access existing garages from driveways access from the alley located on the east side of the subject property, and Parcel 2 accesses parking from an existing driveway on Church. Parcel 2 had utilized a detached garage which has been demolished to allow for the proposed property line between Parcel 1 and 2; however, there is ample space available on the existing driveway behind a fence/gate that will allow 2 vehicles to park off street and be screened as required.

(B) City infrastructure standards; and

RESPONSE: The subject property is fully served by water, sewer, and public streets and alleys which meet City standards as required. No additional infrastructure is required for this development.

(C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

RESPONSE: There are no special development standards that apply to this proposed partition.

(2) The tentative partition plan does not impede the future use or development of the property or adjacent land.

RESPONSE: The proposed partition will not preclude development or redevelopment on the subject property or adjacent properties which are all developed.

(3) Development within the tentative partition plan can be adequately served by city infrastructure.

RESPONSE: The subject properties are fully developed and currently served by city infrastructure and Salem Public Works has indicated that the proposed partition would have no impact to their services.

- (4) The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.

RESPONSE: The subject property is located on Church Street NE which is designated as a local street. The ROW width is 33 feet from the centerline to the property line and includes paving, curb and gutter, landscape strip and sidewalks. A 16 foot wide paved public alley runs north and south adjacent to the east property line and provides access to the garages for 1380 and 1340 Church Street NE. Public Works staff has confirmed that the street system adjacent to the property conforms to the TSP as required.

- (5) The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

RESPONSE: The subject property fronts onto a local street and also has alley access. There is a single driveway providing vehicle parking access to one of the single family homes (1360 Church Street NE), the other structures have access to onsite resident parking via the alley.

- (6) The tentative partition plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.

RESPONSE: The proposed partition is based on existing conditions including topography which is generally flat. There is no plan to make changes to the subject property aside from dividing the property into three separate lots.

- (7) The layout, size, and dimensions of the parcels within the tentative partition plan take into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will occur from the reasonable development of the parcels.

RESPONSE: The proposed lot lines have been located using applicable development standards for minimum dimensions, lot size, setbacks, access, landscaping, etc. and also took into consideration all of the existing conditions so that the proposed lots will meet said standards as required. The maximum lot depth for Parcels 1 and 3 and minimum driveway width serving parking areas for Parcel 2 for the existing driveway require adjustments to the standards; however, the needed adjustments are minimal and allow existing development to remain as is. Please refer to Section III of this narrative for details related to compliance with adjustment criteria. There is no plan to change or redevelop the properties aside from the partition.

- (8) When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:

- (A) The property is zoned residential;
- (B) The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and
- (C) The proposed parcels are at least five acres in size and, except for flag lots, have no dimension that is less than 100 feet.

RESPONSE: As the subject property is already developed therefore this criterion does not apply.

SECTION III - ADJUSTMENTS

The existing property is fully developed and the property owner has no future plans to redevelop or make changes beyond the partition. The existing structures and overall site

configuration make it impracticable for the property owner to meet all of the development standards found in the current development code requiring the adjustments to the maximum lot depth for lots in the RS zoning district (Table 511-2) and for minimum driveway widths for single family uses (806.025). The provision for adjustments allows deviations from the development standards for developments that may not be able to strictly adhere to the applicable standards but meet the intended purpose of the standards. Criteria for approval of adjustment is found in SRC250.005(d)(2).

Adjustment to Maximum Lot Depth –

The requested adjustment is subject to the criterion for a Class 1 adjustment as the increase to the maximum lot depth is less than 20 percent. The applicable criteria (SRC 250.005(d)(1)) include:

An application for a Class 1 adjustment shall be granted if all of the following Criteria are met:

- (A) The purpose underlying the specific development standard proposed for adjustment is:
 - (i) Clearly inapplicable to the proposed development; or
 - (ii) Clearly satisfied by the proposed development.

RESPONSE: (A)(ii) “clearly satisfied by the proposed development” applies for the proposed partition as it will divide a single fully developed tax lot measuring 132.8 feet wide by 129.61 into three lots each containing one of the existing residential structures. Because the existing lot is bordered by a public street on its west property line and a public alley on its east property line it is not possible to change the parcel depths. In the case of Parcel 1 (1380 Church Street NE) it has an average proposed width of 42.46 feet allowing a maximum depth of 127.38 feet, which is 2.23 feet less than the 129.61 feet proposed. Parcel 3 (1340 Church Street NE) has a proposed width is 42.01 feet which means that the maximum lot depth would be 126.03 feet which is just 3.58 feet less than the proposed 129.61 feet. The deviation to the standard is less than 2 percent for proposed Parcel 1 and less than 3 percent for proposed Parcel 3 which is minimal. In addition, all three of the lots will meet or exceed the minimum lot area requirement which is 4,000 square feet for single family residential lots and 6,000 for the mixed use duplex lot. It is not possible for the applicant to reduce the lot depth as it is an existing dimension and increasing the proposed widths is impracticable as the implication will have impacts to existing site features such as residential structures, driveways, pedestrian paths and fence lines. As the property is fully developed the proposed lot lines generally follow the existing fence lines that run between the three residential structures, providing a perceived property line. The applicant is asking to maintain the perceived lines and be allowed to exceed the maximum depth for two of the proposed lots (Parcels 1 and 3). The applicant believes the request is reasonable as there are numerous examples within this neighborhood where similar deviations exist. In fact within the square block that the subject property is located on there are 6 lots that do not meet the dimensional standards; four of these properties are located across the alley that borders the partition site’s eastern property line and two properties are adjacent to the south of its southern property line. These existing lots either exceed the maximum allowed depth (based on their recorded lot widths) by more than what is being proposed by the applicant, or are less than the minimum required depth. This clearly indicates that inconsistencies to dimensional lot standards are prevalent within this neighborhood making it unreasonable to require the applicant to adhere to a standard when deviations have previously been allowed or the standards were applied to an area whose existing conditions were already non-conforming. The proposed lots will meet or exceed the minimum lot area requirement and maintain the existing lot depth which will preserve the existing block dimensions and right of way widths found in this neighborhood.

(B) The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.

RESPONSE: The proposed adjustment will have no impact on surrounding existing or potential uses or development, as the applicant's property is fully developed and occupied and the neighboring properties are fully developed and occupied. The existing uses are consistent with the surrounding area.

Adjustment to Driveway Widths –

The minimum width for driveways serving tandem parking areas is 10 feet and the existing driveway providing access to the house located at 1360 Church Street NE is 7 feet 5" which is more than a 20 percent decrease to the minimum standard therefore triggering a Class 2 adjustment request. The criterion for Class 2 adjustments are found in SRC 250.005(d)(2) and include:

(A) The purpose underlying the specific standard proposed for adjustment is:

- (i) Clearly inapplicable to the proposed development; or
- (ii) Equally or better met by the proposed development.

RESPONSE: Criterion 250.005(d)(2)(A)(i) applies as it is clearly inapplicable to the Salem's Revised Code addressing off-street parking standards which includes those that apply to driveways which serve off-street parking areas in Chapter 806, the applicability of the requirements for off-street parking applies to: new uses or activities; any change of use or activity; or any intensification, expansion, or enlargement of a use or activity. As a result, it is our belief that the dimensional requirements for driveways which are found in this chapter would not be applicable to the existing driveway that accesses the off-street parking area for Proposed Parcel 2 (1360 Church Street NE) because it has served the homes existing off-street parking area for decades and there are no changes of use or intensification or increases of the existing uses with the proposed partition. In addition the location of the house, existing fence and the proposed property line do not practically allow increases to its width. Removing it would inhibit the property owner and their tenants from having access to the existing off-street parking area which defeats the purpose of the standard altogether. The width of the driveway varies as well, it is 7 and a half feet for the first 20 feet (measured from the back of sidewalk which is the property line) then begins to widen where the existing screened parking area is located. The screened parking area is more than 60 feet deep with an average width of 11 feet. As noted, the reduced width is minimal and is adequate to continue to allow safe travel for standard passenger vehicles and full size pickup trucks within the paved surface area as these vehicles range in width from 6 – 6.5 feet which is still less than the 7.5 foot width of the existing driveway at its narrowest point.

(B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

RESPONSE: As previously mentioned, the subject property is fully developed with three residential structures and a detached single car garage and is surrounded by fully developed properties. The proposed partition and requested adjustment does not affect any change to the area therefore will not detract from the livability or appearance of the residential area.

(C) If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

RESPONSE: There are two adjustments being requested, both the requests are minimal and will have no negative impacts. The property and the surrounding properties are already developed the requested partition and adjustments will still provide developed properties that are consistent with the overall purpose of the zone.


SECTION IV - CONCLUSION

In conclusion, the applicant's proposal meets the applicable requirements found in SRC 205.005 for a partition tentative plan and meets the lot requirements of the underlying SR – Single Family Residential zone as well as parking requirements for single family residential uses with the exception of two dimensional standards that are eligible for adjustment. The criteria for a Class 1 adjustment for the maximum allowed lot depth and the Class 2 adjustment for the minimum driveway width are satisfied as explained in Section III. A pre-application conference regarding this request was held on June 20, 2019 and the applicant contacted the Grant Neighborhood Association Board and Land Use Chair on November 1, 2019 and attended their December meeting where the proposed partition plan was shared. In addition to these measures, the Neighborhood Association Chair (Eric Bradfield) was contacted via email once this submission was submitted. The applicant and consultants look forward to working with the City of Salem to obtain approval of the request.



MEMO

TO: Bryce Bishop, Planner II
Community Development Department

FROM: Glenn J. Davis, PE, CFM, Chief Development Engineer 
Public Works Department

DATE: April 24, 2020

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
PARTITION PLAT NO. 20-05 (20-101450)
1340 CHURCH STREET NE
THREE-PARCEL PARTITION**

PROPOSAL

A consolidated application for a tentative plan partition plan to divide a property into three parcels, ranging in size from approximately 5,445 square feet to approximately 6132 square feet; together with a:

1. Class 1 Adjustment to allow the lot depth of proposed Parcels 1 and 3 to exceed maximum lot depth (SRC 511.010(a)); and
2. Class 2 Adjustment to reduce the minimum required driveway width for the existing driveway serving the existing home on proposed Parcel 2 from 10 feet to approximately 7 feet 5 inches (SRC 806.030(b)).

The subject property is zoned RS (Single Family Residential), approximately 0.4 acres in size, and located at 1340 to 1380 Church Street NE (Marion County Assessor's Map and Tax Lot Number: 073W23BB05600).

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Replace nonconforming portions of existing sidewalk along the frontage of Church Street NE pursuant to PWDS.

FACTS

1. Church Street NE
 - a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.

- b. Existing Conditions—This street has an approximate 30-foot improvement within a 66-foot-wide right-of-way abutting the subject property.

2. Alley

- a. Standard—The standard for an Alley classification is right-of-way measuring 10 to 20 feet, with improvements as detailed in PWDS Nos. 304 and 305.
- b. Existing Condition—The Alley abutting the subject property is paved to a width of 15 feet and has a right-of-way measuring approximately 16 feet.

Storm Drainage

1. Existing Conditions

- a. A 10-inch storm main is located in Church Street NE.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 4-inch public water line is located in Church Street NE.

Sanitary Sewer

1. Existing Sewer

- a. An 8-inch sewer line is located in the alley abutting the subject property.

CRITERIA AND FINDINGS

SRC 205.005(d) indicates the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

SRC 205.005(d)(1)—The tentative partition plan complies with the standards of this Chapter and with all applicable provisions of the Unified Development Code, including, but not limited to the following:

(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;

(B) City infrastructure standards; and

(C) Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

Findings—The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas or hydric soils.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

SRC 205.005(d)(3)—Development within the tentative partition plan can be adequately served by City infrastructure.

Findings—Water and sewer infrastructure are available along the perimeter of the site and are adequate to serve the properties as shown on the applicant's preliminary partition plan. The proposed parcels are fully developed and currently served with individual city utility services.

SRC 205.005(d)(4) and SRC 205.005(d)(5)—The street system in and adjacent to the tentative partition plan conforms to the *Salem Transportation System Plan*. The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

Finding—Church Street NE meets the right-of-way and pavement width standards per the Salem TSP; therefore, no additional pavement improvements are required as a condition of the proposed development. However, the condition of the existing sidewalk along Church Street NE does not meet PWDS. Pursuant to SRC 803.030(e)(1) and 803.040(a)(2), the proposed partition is subject to a boundary street improvement that conforms with PWDS. The extent of required improvements is limited to replacement of

nonconforming portions of existing sidewalk along the frontage of Church Street NE. Site evaluation has identified, at minimum, two panels of sidewalk that are not ADA compliant due to cracks and uplift.

Prepared by: Shelby Guizar, Program Coordinator
cc: File